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Attorney for the United States,

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK CRAIGBEENY,

Defendant.

Case No.: 2:17-mj-01207-NJK

STIPULATION TO CONTINUE
PRELIMINARY HEARING
(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, Frank Johan Coumou, Assistant United States Attorney, counsel for the United States of America, and Rebecca Levy, Assistant Federal Public Defender, counsel for defendant DEREK CRAIGBEENY, that the preliminary hearing date in the above-captioned matter, currently scheduled for April 10, 2018, at 4:00 p.m., be vacated and continued for a period of thirty (30) days to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. The instant case involves three separate incidents and follow-up investigation by the Las Vegas Metropolitan Police Department. The Government is obtaining discovery and providing it to Defendant pre-indictment to assess and to evaluate the case. The additional time will allow the parties to discuss the case and potential resolution in the interest of justice.

2. Defendant is incarcerated and does not object to a continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this stipulation is allowed, with the defendant's consent, under the Federal Rules of Criminal Procedure 5.1 (d).

7. This is the second request to continue the preliminary hearing.

DATED this 4th day of April, 2018.

DAYLE ELLIESON
United States Attorney

RENE L. VALLADARES
Federal Public Defender

By: /s/ Frank J. Coumou
FRANK JOHAN COUMOU
Assistant United States Attorney

By: /s/ Rebecca Levy
REBECCA LEVY
Assistant Federal Public Defender
Attorney for Dereck Craigbeeny

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. The parties have initiated discussions regarding the case pre-indictment and discovery is being provided to the Defendant.

2. The parties agree to the continuance.

3. Defendant is incarcerated and does not object to the continuance through his attorney.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, and good cause is shown by the parties to continue the preliminary hearing.

6. The additional time requested by this stipulation is allowed, with the defendant's consent, under the Federal Rules of Procedure 5.1 (d).

7. This is the second request to continue the preliminary hearing.

1 For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the preliminary hearing date.

3 CONCLUSIONS OF LAW

4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant, since the failure to grant said continuance would be likely to result in a
6 miscarriage of justice, would deny the parties herein to assess the case prior to indictment, and
7 further would deny the parties sufficient time and the opportunity within which to be able to
8 effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise
9 of due diligence.

10 The continuance sought herein is allowed, with the defendant's consent pursuant to
11 Federal Rules of Procedure 5.1(d).

12 ORDER

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
14 March 5, 2018 at the hour of 4:00 p.m. be vacated and continued to May 10, 2018,
15 at 4:00 p.m., in Courtroom 3C.

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17 DATED this 3rd day of April, 2018.

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20 THE HONORABLE NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
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